

## **Policy 5-3.7**

### **Superintendent's Regulation Number and Title: 5-3.7 Reduction in Force**

**Background:** A decrease in student enrollment, insufficient funding, expiration of special grants, a change in curriculum, a modification of the educational program and/or other conditions may require a reduction in staff. Should such reductions become necessary, the division superintendent will follow an orderly and consistent plan to reduce the number of licensed, classified licensed or classified non-licensed personnel.

#### **Guidelines/Procedures:**

##### Licensed Personnel

The lay-off of licensed Poquoson City School Board personnel due to reduction in force shall be accomplished according to the following provisions:

1. The division superintendent shall recommend the specific endorsement areas or instructional programs in which reductions need to be made and the extent of those reductions.
2. The division superintendent shall then recommend the individuals, if any, who shall be laid off. Generally, the primary factor to be considered in making both the recommendation and determination shall be seniority within each class of employment, the least senior person being laid off first. Generally, within each class, probationary teachers shall be laid off prior to continuing contract teachers.
3. Seniority shall be that period of time commencing with the most recent term of continuous service as a licensed employee with the Poquoson City Public Schools including authorized leave as shown by School Board minutes, but excluding temporary, interim, substitute, or part-time employment. The initial date of employment shall be the date of appointment to a licensed position (as distinguished from the date of the School Board meeting where such an appointment was approved), as shown by the School Board minutes. A leave-of-absence for two consecutive years or resignation cancels prior seniority.
4. While seniority may be the primary factor in determining teachers for a reduction in force, other factors shall also be considered, including, but not limited to, the performance evaluations of the teachers, teaching endorsements on the individual's license which may meet specific school needs, extended responsibilities that the school program may require, teachers on probation, or teachers with licensure deficiencies.
5. Each licensed employee shall be placed on the seniority list for the endorsement area or instructional program in which he/she is actively assigned. In addition, licensed employees recommended for reduction in the area or program of their active assignments shall be placed on the seniority lists in any other areas or programs for which they have a right to be considered pursuant to paragraph 6 below.
6. Each licensed employee who is recommended for lay off from an affected endorsement area or instructional program shall have the right to be considered, using the same criteria, in all other programs or instructional areas for which the employee has completed all endorsement requirements.
7. Released continuing-contract licensed employees shall be offered reemployment as vacancies occur. The division superintendent shall determine, in order of seniority, which released employees will be offered the vacated position(s) for which they are qualified. No new licensed employee shall be employed for an area or program until all properly licensed continuing-contract persons released from such assignment have been provided with the opportunity of filling the available positions. A licensed employee on continuing contract shall have the right to be offered

a position by recall letter, pursuant to the provisions of this paragraph, for a period not to exceed two years from the date of the individual's release. Such recall letter shall be sent by the division superintendent or his/her designee. It shall be the responsibility of the released employee to keep the human resource specialist informed of his/her current address. A licensed employee's eligibility for recall shall terminate if he/she:

- a. fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him/her a teaching position;
- b. indicates in writing that he/she no longer wishes to be considered for recall; or
- c. fails to maintain licensure and other employment eligibility requirements.

Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be restored fully. However, time that has elapsed between release and reemployment will not count toward length of service.

8. Released continuing contract licensed employees may pay the total premium for group life and hospitalization insurance for a period of eighteen (18) months or the date that their eligibility for recall is terminated, whichever occurs first.

#### Administrative and/or Classified Licensed Personnel

Administrative and/or classified licensed personnel shall include those persons who are employed on a full-time contractual basis by the Poquoson City School Board and whose position is defined by the Unified Pay Plan.

1. The division superintendent shall recommend the specific position classification in which a reduction in force needs to be made and the number of positions to be reduced.
2. Where there is only one person in a position classification recommended for mandatory reduction, that person shall be laid off unless the division superintendent considers such employee for another administrative or supervisory position pursuant to paragraph 5 below. For purposes of this policy and regulation only, an administrative licensed or classified licensed employee with three years continuous experience in Poquoson, and who is recommended for reduction, shall also be considered under the "Licensed Personnel" section of this regulation as a teacher in a program or area, provided that his license is still valid.
3. Where there is more than one person in a position classification, the division superintendent shall recommend which individual(s) shall be laid off. The primary factors to be considered in making both the recommendation and the determination shall be job performance, the specific needs of the school division, and any special qualifications an individual might possess.
4. In those cases where no significant difference among individuals exists after a review of the factors listed in paragraph 3 above, the recommendation and determination shall be based on seniority as described in paragraph 3 of the Licensed Personnel section of this regulation, the least senior employee within the classification being laid off first.
5. An employee who is recommended for lay off from his or her present position may be considered for other positions which the division superintendent determines to have generally similar duties and for which the person is otherwise qualified.
6. Released employees shall be offered reemployment as vacancies occur in the position which they held under the procedure set out in paragraph 7 of the Licensed Personnel section above.

#### Classified Personnel

1. Classified personnel are defined as those persons who hold positions that do not require licensure and who are assigned by the School Board full-time to a position on the Unified Pay Plan.

2. The division superintendent shall recommend the specific position classifications in which a reduction-in-force needs to be made and the specific number of positions needed to be reduced.
3. The division superintendent shall recommend which individuals, if any, shall be laid off within the position classification. The primary factor to be considered in making both the recommendation and the determination shall be seniority, the least senior being laid off first. The procedure by which classified personnel are recommended by the division superintendent for reduction shall be as set out in paragraph 3 of the Administrative and/or Classified Licensed Personnel section of this regulation, with the exception that all employment with the Poquoson City Public Schools, regardless of position, shall be counted toward seniority. In addition, an employee who is recommended for lay off from his or her present position shall be considered for lesser positions which the division superintendent determines to have generally similar duties and for which the person is otherwise qualified.
4. Released employees shall be offered reemployment as vacancies occur in the position which they held. The division superintendent shall make a recommendation as to the order of seniority in which released employees will be offered the positions. No new person shall be employed for a position until all persons released from such positions have been provided with the opportunity of filling the available positions. A person shall not have a right to be recalled to a position higher than the one in which he or she was working at the time of the reduction. However, the division superintendent may allow recall to a substantially similar lower position. A person may be offered a position by recall letter for a period not to exceed two years from the date of lay off. Such recall letter shall be sent by certified mail to the employee's current address as listed with the human resources specialist. An employee's eligibility for recall shall terminate if he:
  - a. fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him/her a position;
  - b. otherwise indicates in writing that he/she no longer wishes to be considered for recall; or
  - c. fails to maintain licensure and other employment eligibility requirements, if any.
5. Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be fully restored. However, time that has elapsed between release and reemployment will not count toward length of service.
6. Released classified employees may pay the total premium for group life and hospitalization insurance for a period of eighteen (18) months or the date on which the employee's eligibility for recall is terminated, whichever occurs first.

#### Transfer

This policy and regulation shall not apply to the transfer of employees but shall only apply when, due to a reduction-in-force, an employee must be laid off. The division superintendent retains the authority to transfer teachers or other employees to other assignments at any time to reduce the number of persons affected by the reduction-in-force.

#### Board Minutes

So that there will be no negative implications regarding the professional record of an employee laid off under this policy, the minutes of the School Board will clearly show that such termination of employment was due to a reduction-in-force.

#### Activation of Policy

This policy will be activated upon recommendation of the division superintendent to the School Board. It will not be necessary for the human resources specialist to establish seniority lists, etc., until such time as notified by the division superintendent.

### Effect on Term Contract

Nothing in this Policy shall be construed as granting an employee on a term contract the right to employment beyond the term of his or her contract or to grant such person a property interest in employment beyond the term of his/her present contract. Within two weeks of the approval of the School Board budget by the appropriating body, but no later than June 1, the School Board will notify any teacher who may be subject to a reduction in force due to a decrease in the School Board's budget as approved by the appropriating body.

### Interpretations

The School Board realizes that questions will arise about the application of this policy to a specific case. Consequently, interpretations of this policy shall be made by the division superintendent when necessary. Any such interpretations shall be presumed valid until specifically ruled otherwise by the School Board.

**Legal References: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304, 22.1-305; Virginia Board of Education Regulations, Procedure for Adjusting Grievances, 8 VAC 20-90-10.**

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**Approved: Jennifer B. Parish, Ed.D., Superintendent**